

## REMARKS

In response to the above Office Action, the claims have been amended to avoid the objections and rejections to the claims where appropriate. Claims 1 and 47 have been amended to include the transitional phrase “comprising” and to clarify the proviso clause at the end of each claim.

Regarding the comment that claim 1 contains extraneous language, it is to be noted that lines 17 to 35 of claim 1 are a proviso clause that limits what the heteroatomic ligand is as defined in line 8, when the ligand is defined by the formula in line 19 which is a species of the formula of line 8. Then the heteroatomic ligand must comply with either (i) or (ii) as set out in claim 1, lines 28-35. Thus this description is further limiting of the claim. The same is true with respect to claim 47.

Similarly claim 4 further limits claim 1 because it is limiting the heteroatomic ligand to that of the formula of line 19. In other words, it excludes all ligands of the formula of line 8 of claim 1 that do not fall with the scope of that of line 19. Claim 6 further limits claim 5 from which it depends and claim 4 from which claim 5 depends because it more specifically defines the groups R<sup>1</sup>-R<sup>4</sup>. If applicants have misunderstood the Examiner’s objection to these claims, clarification is requested.

Claim 26 has been cancelled and claims 27-29 amended to include the subject matter of claim 26 from which they depended.

With respect to the rejection of claims 8 and 20 under 35 U.S.C. §112, second paragraph, it is clear that claim 8 relates to condition (ii) in claim 1; not condition (i). In this regard, in claims 1, 4, and 47, condition (i) has been amended to change “not election-donating” to “not polar” and claim 9 has been cancelled. Finally, claim 20 has been amended to include the word “and.”

Claim 12 and page 8 have been amended to delete "nitro" for R<sup>5</sup> which was erroneously included and claim 18 to delete a ligand not falling within the scope of claim 1.

It is believed claims 1-8, 10-25, and 27-47 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 25, 2007

By:

  
Arthur S. Garrett  
Reg. No. 20,338  
Tel: 202 408 4091

1253897\_1.DOC